



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Applicant: Judith FITZPATRICK et al.

Title: PREFERRED SEGMENTS OF NEURAL  
THREAD PROTEIN AND METHODS OF  
USING THE SAME

Appl. No.: 09/697,590

Filing Date: 10/27/2000

Examiner: Sharon L. Turner

Art Unit: 1647

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Paper is filed in response to the Restriction Requirement mailed on September 4, 2002. While a shortened statutory period for response has expired, filed herewith is a Petition for a one month extension of time.

**REMARKS**

The Examiner restricted the claims of the application into twelve Groups of claims, specified at pages 1-2 of the Restriction Requirement. In response to the Restriction Requirement, Applicants elect Group I, claims 1-10 and 23-25, in part drawn to peptides and peptide compositions, **with traverse**.

It is respectfully submitted that the subject matter of claims 1-10 and 23-25, directed to peptides, is sufficiently related to at least claims 26-53, which are directed to various methods of using such peptides. Thus, a thorough search for the subject matter of claims 1-10 and 23-25 would necessarily encompass a search for the subject matter of at least claims 26-53.

Accordingly, it is respectfully submitted that the search and examination of at least claims 1-10, 23-25, and 26-53 could be performed without serious burden. MPEP § 803 clearly states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (emphasis added). It is respectfully submitted that this policy should apply in the present application to avoid unnecessary delay and expense to Applicants in duplicative examination by the Patent Office.

Applicants therefore request that the subject matter of claims 26-53 be joined that that of elected Group I.

The Examiner also required an Election of Species, wherein for claims directed to peptides, we are required to elect a single designated peptide selected from peptides (a) –(s) as claimed in claim 1. Applicants elect the species of the peptide H A R L, as shown in claim 1(c), **with traverse**.

Applicants traverse the requirement on the grounds that the search and examination of species having overlapping sequences does not provide an undue burden for the examiner.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

If there are any fees due in connection with the filing of this Response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: Oct 25, 2002



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